

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

JASON WEMES,

Plaintiff,

- against -

THE CANANDAIGUA NATIONAL BANK
& TRUST COMPANY,

Defendant.

Case No.: 22-cv-06297 (MAV) (MWP)

DECLARATION OF GREGORY L. SILVERMAN

I, Gregory L. Silverman, make this declaration pursuant to 28 U.S.C. § 1746 as follows:

1. I am counsel to Plaintiff Jason Wemes in this action. I make this declaration based on my own personal knowledge, or based on review of documents relating to this case in support of Plaintiff's objection to Defendant's Motion for Summary Judgment.

2. The documents attached and referenced below bates-stamped with a prefix of "DEF" are true and accurate copies of documents produced by Defendant in this litigation.

3. Attached as **Exhibit 1** is a document bates-stamped DEF00449-567, and marked as Exhibit 12 in CNB's 30(b)(6) deposition with designee Michelle Pedzich, showing CNB's Position Statement filed with the EEOC.

4. Attached as **Exhibit 2** is the transcript of the deposition of the City of Canandaigua Police Department (CPD) on April 23, 2024 through its designee Chief Matthew Nielsen.

5. Attached as **Exhibit 3** are documents I received from the CPD's counsel David Hou, Esq. in response to Plaintiff's subpoena, and marked as Exhibit 2 in the deposition of Chief Nielsen as CPD's designee.

6. Attached as **Exhibit 4** is a document bates-stamped DEF000128-129, reflecting Wemes' Hamlin Award nomination.

7. Attached as **Exhibit 7** is the transcript of the deposition of Kristy Merriman on September 30, 2024.

8. Attached as **Exhibit 8** is a document bates-stamped DEF000568-572, and marked as Exhibit 8 of CNB's 30b6 deposition with designee Michelle Pedzich, reflecting a memo by Jason Ingalls.

9. Attached as **Exhibit 9** is a document bates-stamped PF-000189 and marked as Exhibit 3 during the deposition of Daniel Visingard, showing Jason Wemes in a red shirt.

10. The Bank disclosed eleven separate videos of surveillance footage captured at CNB on June 29, 2021, bates-stamped DEF01223-1233, and attached respectively as **Exhibits 11 through 21**.

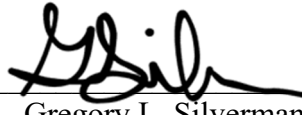
11. Attached as **Exhibit 22** is a document bates-stamped DEF01776-1779 and marked as Exhibit 22 of CNB's 30b6 deposition with designee Jason Ingalls, evidencing CNB's litigation hold notice.

12. Attached as **Exhibit 23** is a document bates-stamped DEF00336-353, evidencing Wemes' pay in 2021.

13. Attached as **Exhibit 24** is a two-page document showing content provided to me by CNB's counsel, and marked as Exhibits 23 and 24 at CNB's 30b6 deposition with designee Jason Ingalls, evidencing the location of CNB's security cameras.

14. A true and accurate copy of the case of People v. Leach, 972 NYS2d 145 (Canandaigua City Ct. June 3, 2013) is attached as **Exhibit 25**.

I declare under penalty of perjury that the foregoing is true and correct. Executed on June 30, 2025.

A handwritten signature in black ink, appearing to read 'G. Silverman', is written over a horizontal line.

Gregory L. Silverman